



Policies and Procedures
POLICY: Compliance with Law and Policy
Policy #1
Effective Date: April 2, 2014

Purpose: This policy defines and clarifies ILHIE Authority and Participant responsibilities to use ILHIE technology and the infrastructure supporting the ILHIE in an appropriate and lawful manner.

Policy: The ILHIE Authority and all Participants shall comply with Applicable Law related to the activities of the ILHIE, and with these Policies and Procedures.

- 1.0 Laws.** Participants must, at all times, comply with Applicable Law, including, but not limited to, those protecting the confidentiality and security of Protected Health Information and establishing Individual privacy rights.
- 2.0 ILHIE Authority Policy.** Prior to participation, Participants shall execute and comply with the Data Sharing Agreement or other applicable agreements with the ILHIE Authority, which establishes the mutual responsibilities of the ILHIE Authority and the Participant.
 - 2.1** Participants who have executed a Data Sharing Agreement and agree to the terms and conditions stated therein must comply with all Policies and Procedures, the Data Sharing Agreement, including the ILHIE On-Boarding Manual, and Applicable Law.
 - 2.2** In the event of a conflict between these Policies and Procedures and the Participant's own policies and procedures, the Participant shall comply with the policy and procedure that better protects an Individual's Protected Health Information, as determined by the Participant in cooperation with the ILHIE Authority.
 - 2.3** Except as set forth in 2.2 above, a Participant's material noncompliance with these Policies and Procedures may result in the suspension or revocation of all rights of the Participant, including the Participant's Authorized Users, to access the ILHIE or in the termination of the Data Sharing Agreement in accordance with the terms of the Data Sharing Agreement.
- 3.0 Participant Policy.** Participant is responsible for ensuring that it has the requisite, appropriate, and necessary internal policies for compliance with these Policies and Procedures, the Data Sharing Agreement, including the ILHIE On-Boarding Manual, and Applicable Law.
- 4.0 Participation in Other Health Information Exchanges.** Participant shall cooperate with the ILHIE Authority regarding compliance related to any other national or interstate health information exchange, including but not limited to the eHealth Exchange, in which the Authority participates.

5.0 HIPAA. The implementation specifications set forth in the HIPAA Security Rule are classified as "Required" or "Addressable".

5.1 The ILHIE Authority shall meet the Required and the Addressable implementation specifications. In the event that it is not reasonable and appropriate for the ILHIE Authority to meet an Addressable implementation specification, the ILHIE Authority shall document why it would not be reasonable and appropriate to implement the specification and shall implement an equivalent alternative measure.

5.2 Participants shall meet the Required HIPAA implementation specifications. Participants shall meet the Addressable implementation specifications to the extent required under HIPAA. In the event that it is not reasonable and appropriate for a Participant to meet an Addressable implementation specification under HIPAA, the Participant shall document why it would not be reasonable and appropriate to implement the specification and implement an equivalent alternative measure, if appropriate.

6.0 Application to Business Associates and Contractors. Participants shall require its Business Associates and Subcontractors of its Business Associates to comply with these Policies and Procedures.

7.0 Compliance. Participant shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.

7.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Associated Policies and References

45 C.F.R §164 Parts 160, 162, and 164

Data Sharing Agreement

Enforcement

Sanctions

Definitions

Applicable Law

Authorized User

Business Associate

ILHIE Authority

Participant

Policies and Procedures

Protected Health Information